

Article - Family Law

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§5–326.

(a) (1) A juvenile court shall hold:

(i) an initial guardianship review hearing as scheduled under § 5–324(b)(1)(vi) of this subtitle to establish a permanency plan for the child; and

(ii) at least once each year after the initial guardianship review hearing until the juvenile court’s jurisdiction terminates, a guardianship review hearing.

(2) At each guardianship review hearing, a juvenile court shall determine whether:

(i) the child’s current circumstances and placement are in the child’s best interests;

(ii) the permanency plan that is in effect is in the child’s best interests; and

(iii) reasonable efforts have been made to finalize the permanency plan that is in effect.

(3) (i) A juvenile court shall give at least 30 days’ notice before each guardianship review hearing for a child to:

1. the local department;

2. the child’s attorney; and

3. each of the child’s living parents who has not waived the right to notice and that parent’s attorney.

(ii) A parent is entitled to be heard and to participate at a guardianship review hearing.

(iii) A parent is not a party solely on the basis of the right to notice or opportunity to be heard or participate at a guardianship review hearing.

(4) (i) A local department shall give a child's caregiver at least 7 days' notice before a guardianship review hearing.

(ii) A caregiver is entitled to be heard at a guardianship review hearing.

(iii) A caregiver is not a party solely on the basis of the right to notice or opportunity to be heard at a guardianship review hearing.

(5) (i) At least 10 days before each guardianship review hearing, a local department shall:

1. investigate as needed to prepare a written report that summarizes the child's circumstances and the progress that has been made in implementing the child's permanency plan; and

2. send a copy of the report to:

A. the child's attorney; and

B. each of the child's living parents who has not waived the right to notice and that parent's attorney.

(ii) Notice to a parent under this paragraph shall be sent to the parent's last address known to the juvenile court.

(6) A child's permanency plan may be, in order of priority:

(i) adoption of the child;

(ii) custody and guardianship of the child by an individual; or

(iii) for a child at least 16 years old, another planned permanent living arrangement that:

1. addresses the individualized needs of the child, including the child's educational plan, emotional stability, physical placement, and socialization needs; and

2. includes goals that promote the continuity of relations with individuals who will fill a lasting and significant role in the child's life.

(7) Every reasonable effort shall be made to implement a permanency plan within 1 year.

(8) At each guardianship review hearing for a child, a juvenile court shall:

(i) evaluate the child's safety and act as needed to protect the child;

(ii) consider the written report of a local out-of-home placement review board required under § 5-545 of this title;

(iii) determine the extent of compliance with the permanency plan;

(iv) make a specific factual finding on whether reasonable efforts have been made to finalize the child's permanency plan and document the finding;

(v) subject to subsection (b) of this section, change the child's permanency plan if a change would be in the child's best interests;

(vi) project a reasonable date by which the permanency plan will be finalized;

(vii) for a child at least 14 years old, determine the services needed to assist the child to make the transition from placement to successful adulthood;

(viii) enter any order that the juvenile court finds appropriate to implement the permanency plan; and

(ix) take all other action that the juvenile court considers to be in the child's best interests, including any order allowed under § 5-324(b)(1)(ii) of this subtitle.

(9) A juvenile court may approve a permanency plan other than adoption of a child only if the juvenile court finds that, for a compelling reason, adoption is not in the child's best interests.

(10) (i) At a guardianship review hearing held 1 year or more after a juvenile court enters an order for guardianship of a child, the juvenile court may designate an individual guardian of the child if:

1. the local department certifies the child's successful placement with the individual under the supervision of the local department or its

agent for at least 180 days or a shorter period allowed by the juvenile court on recommendation of the local department;

2. the local department files a report by a child placement agency, completed in accordance with department regulations, as to the suitability of the individual to be the child's guardian; and

3. the juvenile court makes a specific finding that:

A. for a compelling reason, adoption is not in the child's best interests; and

B. custody and guardianship by the individual is in the child's best interests and is the least restrictive alternative available.

(ii) Designation of a guardian under this paragraph terminates the local department's legal obligations and responsibilities to the child.

(iii) After designation of a guardian under this paragraph, a juvenile court may order any further review that the juvenile court finds to be in the child's best interests.

(b) (1) Whenever a juvenile court orders a specific placement for a child, a local department may remove the child from the placement before a hearing only if:

(i) removal is needed to protect the child from serious immediate danger;

(ii) continuation of the placement is contrary to the child's best interests; or

(iii) the child's caregiver asks for the child's immediate removal.

(2) (i) On the next day on which the circuit court sits after a local department changes a placement under this subsection, the juvenile court shall hold an emergency review hearing on the change.

(ii) A juvenile court shall give reasonable notice of an emergency review hearing to:

1. the child's attorney;

2. each of the child's living parents who has not waived the right to notice and that parent's attorney; and

3. each other party's attorney.

(iii) At an emergency review hearing, the standard of review as to a change shall be the standard for continued shelter care in a hearing under § 3-815 of the Courts Article.

(iv) Unless all of the parties agree to a juvenile court's order entered at an emergency review hearing, the juvenile court shall hold a full review hearing on the change within 30 days after the date of removal or, if agreed to by the parties, a later date.

(c) (1) At least every 12 months at a hearing under this section, the court shall consult on the record with the child in an age-appropriate manner to obtain the child's views on permanency.

(2) (i) If, after a hearing or with the agreement of all parties, the court determines that the child is medically fragile and that it is detrimental to the child's physical or mental health to be transported to the courthouse, the court may, subject to subparagraph (ii) of this paragraph:

1. visit the child at the child's placement and use appropriate technology to document the consultation for the record; or

2. use video conferencing to consult with the child on the record during the hearing.

(ii) If the court visits the child at the child's placement under subparagraph (i)1 of this paragraph or uses video conferencing under subparagraph (i)2 of this paragraph, the court shall give each party notice and an opportunity to attend the visit or the video conferencing, unless the court determines that it is not in the best interest of the child for a party to attend the visit or the video conferencing.

(3) Subject to the provisions of paragraph (2)(ii) of this subsection, if the child's placement is outside the State and, after a hearing or with the agreement of all parties, the court determines that it is not in the best interest of the child to be transported to the court, the court may use video conferencing to consult with the child on the record during the hearing.

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